

**COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD**  
A Professional Corporation  
25 Main Street  
Hackensack, New Jersey 07602-0800  
(201) 489-3000  
(201) 489-1536 Telecopier  
Michael D. Sirota, Esq.  
Gerald H. Gline, Esq.  
Attorneys for Tarragon Corporation, *et al.*,  
Movants and Debtors-in-Possession

---

In re: : UNITED STATES BANKRUPTCY COURT  
TARRAGON CORPORATION, *et al.*, : FOR THE DISTRICT OF NEW JERSEY  
Debtors-in-Possession. : HONORABLE DONALD H. STECKROTH  
: LEAD CASE NO. 09- 10555 (DHS)  
: (JOINTLY ADMINISTERED)

---

Chapter 11

**NOTICE OF MOTION TO QUASH THE  
RULE 2004 SUBPOENA, NOTICE OF  
DEPOSITION OF WILLIAM FRIEDMAN,  
AND REQUEST FOR PRODUCTION OF  
DOCUMENTS ISSUED BY NORTHLAND  
INVESTMENT CORPORATION, *et al.*,  
AND FOR A PROTECTIVE ORDER**

HEARING DATE AND TIME:  
\_\_\_\_\_, 2009, \_\_:00 .m.

**ORAL ARGUMENT REQUESTED**

TO: Emanuel Grillo, Esq.  
Goodwin Procter LLP  
The New York Times Building  
620 Eighth Ave.  
New York, NY 10018

-and-

Sheila E. Calello, Esq.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
*Attorneys for Northland Investment Corporation, et al.*

Daniel Lowenthal, Esq.  
Patterson Belknap Webb & Tyler LLP  
1133 Ave. of the Americas  
New York, NY 10036  
[dalowenthal@pbwt.com](mailto:dalowenthal@pbwt.com)

-and-

Harry Gutfleish, Esq  
Forman Hold Eliades & Ravin LLC  
The Atrium, 80 Route 4, East  
Paramus, NJ 07652  
[hgutfleish@formanlaw.com](mailto:hgutfleish@formanlaw.com)  
*Attorneys for the Committee of Unsecured Creditors*

Donald McMaster, Esq.  
Office of the United States Trustee  
One Newark Center, Suite 2100  
Newark, NJ 07102-5504

Louis T. DeLucia, Esq.  
Greenberg Traurig, LLP  
200 Park Avenue, First Floor  
P.O. Box 677  
Florham Park, NJ 07932  
[delucia@gtlaw.com](mailto:delucia@gtlaw.com)  
*Attorney for Arko*

PLEASE TAKE NOTICE that in accordance with the Order Shortening Time (Order Shortening Time) entered by the Court on February \_\_\_, 2009, on February \_\_\_, 2009, at \_\_\_:00 \_\_\_.m., or as soon thereafter as counsel may be heard, the undersigned, counsel for Tarragon Corporation, *et al.*, (“Tarragon” or the “Debtors”) shall move before the Honorable Donald H. Steckroth, United States Bankruptcy Judge, at the United States Bankruptcy Court, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Third Floor, Newark, New Jersey 07102 for entry of an Order quashing a Rule 2004 Subpoena addressed to: William Friedman c/o Warren Usatine, Esq., together with a Notice of Deposition and a “First Request for Production of Documents” addressed to Tarragon, attention William Friedman c/o Warren Usatine, Esq., (collectively, the “Notice and Subpoena”).

PLEASE TAKE FURTHER NOTICE that in support thereof, Tarragon shall rely on the accompanying Application and Affidavit of Sean Lipsky.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested shall: (i) be in writing; (ii) specify with particularity the basis of the objection; and (iii) be filed with the Bankruptcy Court and simultaneously served on the undersigned so as to be received no later than February \_\_\_, 2009 as set forth above.

PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and served, the motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a), and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that the undersigned counsel requests oral argument on the return date of the motion.

COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.  
Attorneys for Tarragon Corporation, *et al.*

By: /s/ Gerald H. Gline  
Michael D. Sirota, Esq.  
Gerald H. Gline, Esq.

DATED: February 23, 2009